

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID FRANK CORREIA, #1816895

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:16cv753

ORDER

The Court has examined the petition for writ of habeas corpus submitted by Petitioner, and concludes that a Response from Respondent is required. While it appears that the writ is barred by the statute of limitations, Respondent should specifically address Petitioner's claim of actual innocence as it relates to his twenty-five year sentence for attempted aggravated assault on a public servant. Petitioner argues his punishment was at the higher felony range as would occur in a conviction for aggravated assault on a public servant rather than the misdemeanor range for *attempted* aggravated assault on a public servant, the offense to which he pleaded guilty.

Accordingly, it is **ORDERED** the Clerk of Court shall issue process and Respondent shall have sixty days to show cause why the writ should not be granted or to otherwise plead.

Pursuant to the written consent of the Texas Attorney General's office, copies of the petition, attachments, and orders will be served electronically upon the Texas Attorney General, counsel for the Director, by directing them to the attention of Edward Marshall, Chief, Criminal Appeals Division, at Edward.Marshall@oag.texas.gov, and Laura Haney at Laura.Haney@oag.texas.gov.
See Fed. R. Civ. P. 5(b)(2)(E).

SIGNED this 7th day of December, 2018.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE